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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/555,306	10/06/2000	Volker Timm	PHD98-119	3905

7590 01/29/2003

Corporate Patent Counsel
Philips Electronics North America Corporation
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Tarrytown, NY 10591

EXAMINER

KIM, AHSHIK

ART UNIT	PAPER NUMBER
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2876

DATE MAILED: 01/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

09/555,306

Applicant(s)

TIMM ET AL.

Examiner

Ahshik Kim

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/22/02 (Amendment).
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 1998 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Amendment

1. Receipt is acknowledged of the amendment filed on November 22, 2002. Claims
5 5 and 6 are added, and therefore, claims 1-6 remain for examination.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

- 10 (a) A patent may not be obtained though the invention is not identically disclosed
or described as set forth in section 102 of this title, if the differences between the
subject matter sought to be patented and the prior art are such that the subject
matter as a whole would have been obvious at the time the invention was made to
a person having ordinary skill in the art to which said subject matter pertains.
15 Patentability shall not be negated by the manner in which the invention was
made.

This application currently names joint inventors. In considering patentability of
the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the
20 various claims was commonly owned at the time any inventions covered therein were
made absent any evidence to the contrary. Applicant is advised of the obligation under
37 CFR 1.56 to point out the inventor and invention dates of each claim that was not
commonly owned at the time a later invention was made in order for the examiner to
consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)
25 prior art under 35 U.S.C. 103(a).

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2. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Asami (US 6,036,100, of record) in view of Commercial (WO 99/23550, in which an English translation is provided with US 6,317,825 B1, of record).

Asami teaches a non-contact chip card 1 which includes a processor 8, the card
5 able to connect to a reader 2 to exchange data signals via card interface antenna 3 and electrical energy via antenna 3 and rectification circuitry 9 for operation of the processor (see figure 1 and col. 3, lines 27-53). The interface antenna is coupled to the processor by an asynchronous transmission/receiving circuit (UART) 6.

Asami fails to specify that the processor contain mostly asynchronous logic
10 components, the processor operating in a time-interleaved manner.

The concept of asynchronous logic circuitry is notoriously well known in the art to be used within cards and/or card readers. Commercial teaches the use of asynchronous logic inside a microprocessor of a chip card (see entire patent, specifically abstract and col. 1, line 16 – col. 2, line 20). Commercial discloses that it is well known to use such
15 for concatenating or interleaving data or operations, while consuming as little power and operating time as possible.

In combination with the card of Asami, the consumption of as little power as possible from the energy provided in the signal gives the antenna the function of a reasonably ideal current (power) source for the card. In light of the motivation of Commercial, it
20 would have obvious to one of ordinary skill in the art to provide the asynchronous logic within the processor of Asami.

Response to Arguments

3. Applicant's amended claims, newly added claims and arguments filed on November 22, 2002 have been carefully considered, but they are not persuasive.

5 As shown in figure 3, the IC card communicates in coordination with the host machine such that the data may be received only when the card is in a receiving mode (col. 5, lines 17+). The control circuit 8 is connected to transmission antenna unit 3 via UART 8 as diagramed in figure 1. When an error is detected in receiving data from host,
an error message is transmitted to reader/writer 12 (col. 5, lines 52+), acknowledging the
10 result of transmission. The host, not receiving an error message from the IC card, can proceed on to the next step(s) on the basis that transmission of data occurred successfully. As further shown in third embodiment (col. 7, lines 1+), data receiving period can be specified by the host each time data is transmitted, suggesting the active coordination between the host and the contactless IC card.

15 In a broader interpretation, any component within IC communicating with UART 8 and transmission component of the host can be considered as a second asynchronously operating logic component as recited in claim 6.

In view of the above, it is the Examiner's view that the elements disclosed in newly added claims and the points raised in remarks section have been met.

20 Accordingly, the Examiner has made this Office Action final.

Conclusion

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THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within
5 TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the
10 SIX MONTHS from the mailing date of this final action.

I. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Fujioka (US 5,619,52); Tsai (US 6,199,764) disclose non-contact IC cards and asynchronous transmission communication.

15 II. Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Ahshik Kim* whose telephone number is (703)305-5203 . The examiner can normally be reached between the hours of 6:00AM to 3:00PM Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (703) 305-3503. The fax number directly
20 to the Examiner is (703) 746-4782. The fax phone number for this Group is (703)308-7722, (703)308-7724, or (703)308-7382.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [ahshik.kim@uspto.gov].

25 *All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG*
30 *89.*


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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

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Ahshik Kim
Patent Examiner
Art Unit 2876

10 January 24, 2003



MICHAEL G. LEE
SUPERVISORY PATENT EXAMINER
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